THE MINISTER OF PLANNING, THE MINISTER OF PROGRAMME IMPLEMENTATION AND THE MINISTER OF LAW AND JUSTICE (SHRI P. SHIV SHANKER): (a) Statewise allocations of funds for the three major anti-poverty programmes, viz, Integrated Rural Development Programme (IRDP), National Rural Employment Programme (NREP), and Rural Landless Employment Guarantee Programme (RLEGP) are made on a year-to-year basis. The allocations made to the State of Andhra Pradesh during the first three years (1985-86, 1986-87 and 1987-88) of the Seventh Five Year Plan (1985—90) are as follows:

(Rs. in lakhs)

Programme	Total allocations made during		
	1985-86	1986-87	1987-88
I.R.D.P. . .	2666 33	3739 77	4347.72
N.R.E.P.* . . .	5284 00	5998.65	6602 31
R.L.E.G.P.* . .	5691 00	6339.63	6232.32

*Includes value of additive foodgrains allocated by the Centre.

(b) and (c) Allocations during the next two years (1988-89 and 1989-90) of the Seventh Five Year Plan would depend upon the resources available for the purpose.

Recruitment rules for the Delhi Judicial Service

*494 SHRI KAILASH PATI MISHRA:

SHRI ATAL BIHARI VAJPAYEE:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the relevant text of the decision of the Supreme Court delivered on December 19, 1986 regarding the provision of special grades for the Delhi Judicial Service Officers, the framing of Recruitment Rules for the higher posts in the District Judiciary and for the removal of stagnation and the follow-up action thereof,

(b) what are the proposals of the Delhi Administration with regard to the removal of stagnation and also the steps taken accordingly; and

(c) the reaction of the judiciary in this regard, if any?

THE MINISTER OF PLANNING, THE MINISTER OF PROGRAMME IMPLEMENTATION AND THE MINISTER OF LAW AND JUSTICE (SHRI P. SHIV SHANKER): (a) to (c) The text of the Supreme Court Judgement is given below as a statement. Delhi High Court/Delhi Administration are the authorities concerned with the appointments to the Delhi Higher Judicial Service and as such the Department is not directly concerned with it. Delhi Higher Judicial Service Rules are framed by the Lt. Governor of Delhi under Article 309 of the Constitution and as such the amendments are also finalised by him. The approval of the Government of India has been conveyed to the Delhi Administration on 26-2-87 for the amendment of Delhi Higher Judicial Service Rules and these have since been notified by Delhi Administration on 17-3-87. Proposals have been called for from the Delhi Administration for the removal of stagna-

tion in the Delhi Judicial Service as per Orders of the Supreme Court dated 18-12-86.

Statement

IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 1540 OF 1986

Delhi Judicial Service Association and Ors. .....Petitioners

Versus

The Delhi High Court & Ors. . . .Res- .....Respondents.

ORDER

We are indeed happy that the petitioners out of respect for the High Court and having full trust in the High Court have expressed their desire to withdraw the writ petition for the sake of congenial atmosphere between the senior members of the judicial family and the junior--members thereof. In the light of consensus emerging at the hearing of the matter we deem it necessary to evolve the formula as outlined hereinafter in order to resolve the problem with expedition and to the satisfaction of all concerned. Counsel appearing for all the parties are agreed that the formula evolved as under is fair and reasonable and all of them are agreeable to the same being embodied in our order.

Accordingly do so as under:—

1. We request the High Court to be good enough to finalise the draft rules latest by January 15, 1987 We request the High Court to strain itself if necessary and to ensure that the draft rules are finalised before the said date and are forwarded to the Delhi Administration and the Union of India for sanction by a special messenger forthwith

2. We request the Delhi Administration to be good enough to take a decision in regard to the matter pertaining to sanctioning of he draft rules latest by February 9, 1987 We also request the Delhi Administration to treat this as a special case, to cut the delay *which ordinarily takes place on account* of procedural problems and take a decision whether or not to grant the sanction on or before the said date. In case sanction is granted the papers be forwarded to the Union of India by a Special Messenger forthwith.

3. We request the Union of India to be good enough to treat this as a special case and to take a decision one way or the other within three weeks of the receipt of the papers from the Delhi Administration. We request that procedural delays may be avoided and a special effort may be made to ensure that the appropriate decision is taken and is gazetted within the aforesaid time span.

4. During the interregnum awaiting the decision of the Delhi Administration and the Union of India we request and authorise the High Court to go ahead with the selection process from amongst the members of the Delhi Judicial Service in the light of the draft rules in anticipation of sanction, so that the selection process is completed to the extent possible by the time the sanction is received.

5. We also request and authorise the Delhi High Court to invite applications from the members of the Bar by way of a public advertisement for making direct recruitment in anticipation of the sanction of the draft rules. When the draft rules are sanctioned the applications which are received will be treated as having been made in pursuance of and under the rules as sanctioned and published by the Competent Authority. After the draft rules are sanctioned and published a further advertisement inviting applications from the members of the bar for direct recruits shall be published within a week of the publication of the rules giving a short notice of 15 days to enable those members of the bar who might not have responded to the first advertisement issued in anticipation of the sanction of the rules as indicated hereinbefore to make application. The selection process in respect of direct recruits by way of interviews etc. will begin after all the application are received pursuant to both the advertisements *The screening of the application* received in response to the first advertisement issued in anticipation of the

sanction of the draft rules may be undertaken meanwhile to save time.

6. We further request the High Court to make the selection and forward its recommendations for filing the posts to the Central Government as early as possible and in any case by April 15, 1987.

7. We also request the Central Government to be good enough to expedite the process of making appointments in accordance with law upon the receipt of the recommendation at the earliest.

II

8. Before we part with this matter we consider it appropriate to make a recommendation to the Delhi Administration and the Union of India in regard to a matter of significance which came to fore. Most of the judicial officers of the Delhi Judicial Service have been stagnating for very many years for lack of promotional avenue which is inherent in the very nature of the service and limitation of other openings due thereto. This situation results in the judicial officers being less than contended in the absence of incentive or hope for a better future. Such a situation is not conducive to bring out the best in them. It is desirable from every point of view to maintain the morals and efficiency of the judicial officers at the highest throughout their tenure It strikes us that it would be desirable to adopt the anti-stagnation formula which is applied in many public Corporation by way of creating 'special grades' carrying a better scale than the existing grade for those who have invested 12 years of service. (We think that 12 years would be appropriate because a selection grade would be available to the judicial officers on the completion of eight years under the present rules the same upgrading occurs four year later) We strongly recommend that a decision on this issue be taken as early as possible by the Delhi Administration and the Union of India in the larger interest of all concerned

9. We also recommend to the Delhi Administration and the Union of India to give anxious and early consideration to the request of the Delhi High Court for converting existing temporary posts into permanent posts having regard to the increase in the volume of work and the unliklihood of decrease in workload in the near future

In view of the aforesaid formula which has been well received by all the parties who have reacted in a positive manner in the righ spirit, the petitioners are withdrawing the writ petition Liberty to revive the matter in case the situation so demands but not before April 15, 1987. The Writ Petition is disposed of as withdrawn accordingly.

Sd/-

..... .J.
(M. P Thakkar)
..... J.
(B. C Ray)

New Delhi,
December 18, 1986.

Indian gains from Economic co-operation in the Commonwealth countries

*495. PROF. CHANDRESH P. THAKUR:
SHRI KAPIL VERMA:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) what are the major components of Commonwealth cooperation in the economic sphere; and

(b) what has been the record of Indian gains and contributions in terms of (i) export promotion, (ii) joint ventures and (iii) direct foreign investment or other forms of aid among the Commonwealth countries?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K NATWAR SINGH): (a) The Commonwealth plays only a supporting role in promoting economic development and cooperation in and among Commonwealth countries Its principal instrument for such activities is the Commonwealth Fund for Technical Cooperation (CFTC) which assists member countries through the provision of technical expertise, training of personnel and export-market development. The CFTC also has an Indus-